

REMARKS

Applicant is amending the specification to correct the priority claim (which was set forth initially in a preliminary amendment filed with the application but inadvertently not entered by the Office) and to correct minor errors in the application.

By the present amendment, applicant has amended claims 3, 11, 12, 16, 17, 21, 23, 24, 25, 26, 32 and 33, found by the Examiner to contain allowable subject matter, into independent form.

The other claims found to have allowable subject matter are dependent on these new independent claims.

With respect to the claims that the Examiner has rejected on the judicially created double patenting rejection, applicant is filing a terminal disclaimer attached and a Statement under 37 CFR § 3.73(b) to overcome and obviate this obviousness type double patenting rejection.

Claims 48-67, including independent claims 48, 57 and 67 are being added to cover various combinations of features in applicant's flashlight. These claims had been presented initially in a preliminary amendment filed with the application but inadvertently not entered by the Office.

Claims 68 and 69 are being added to cover applicant's construction of a flashlight wherein the housing for the flashlight is translucent and encloses at least a portion of the power source and at least a portion of the light source.

Applicant's attorney has studied all of the new claims and does not find any of them containing new matter.

Applicant has conducted a further search and study of prior art collected from various sources and has found eight (8) U.S. Patents, not previously cited, which may have some relevance to the subject matter claimed, although applicant's attorney believes the claimed subject matter is patentably distinguished over all of the newly cited prior art and believes the newly cited prior art is merely cumulative with the prior art already of record, particularly with the Lumatec TinyMite Flashlight. A copy of each one of the eight patents, a PTO form 1449 and a check for \$180.00 are attached.

In summary, applicant submits that upon entry of the foregoing amendments to the claims and the entry of the terminal disclaimer, the application including all the claims now should be in condition for allowance. An early and favorable action to that end is requested.

Respectfully submitted,
WELSH & KATZ, LTD.

By 
Thomas R. Vigil

Registration No. 24,542

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WELSH & KATZ, LTD.
120 South Riverside Plaza
22nd Floor
Chicago, Illinois 60606
Phone: (312) 655-1500
Fax: (312) 655-1501